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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

CLEOFAS MARIANO-DAIZ, ) Case No. 7:05cv00195  
Petitioner, )  
v. )  
UNITED STATES OF AMERICA, )  
Respondent. )  
)

FINAL ORDER

By: Jackson L. Kiser  
Senior United States District Judge

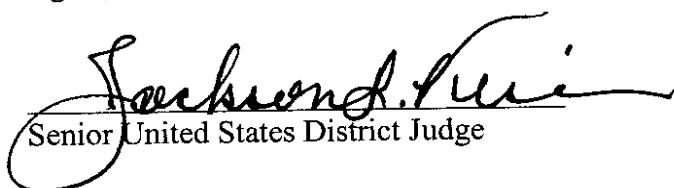
In accordance with the Opinion entered on this day, it is hereby ordered

**ORDERED**

that the respondent's motion to dismiss is **GRANTED**; the petitioner's motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. §2255, is hereby **DENIED**, all other pending motions are hereby **DENIED**, and this action is **STRICKEN** from the active docket of the court.

The Clerk is directed to send certified copies of this Final Order and the accompanying Memorandum Opinion to all parties.

ENTER: This 4<sup>th</sup> day of August, 2005.

  
Senior United States District Judge